

REMARKS/ARGUMENTS

Applicants greatly appreciate the withdrawal of the previous rejections.

The new grounds of rejection, based on Einzinger, Vrba, Guerassimoff and WO 02/102158, is traversed.

The rejection critically relies on WO 02/102158. See page 3 of the Official Action dated August 6, 2009. WO 02/102158 was published December 27, 2002, and lists as inventors Jean-Philippe Pascal and Nicolas Palangie, the same inventors as listed herein. In addition, the present application has a US filing date, based on underlying PCT/EP03/14523, of December 18, 2003. Thus, WO 02/102158 was published less than one year before the US filing date herein and, because it is published in the French language, does not have a 102(e) date.¹ In addition, because the present application and WO 02/102158 have identical inventorship WO 02/102158 does not qualify as prior art under 35 U.S.C. 102(a) herein.

In addition to the above, Applicants have attached hereto a certified English translation of their French Priority document, perfecting their claim of priority to December 19, 2002. This date is before the December 27, 2002, publication date of WO 02/102158 and is before the December 20, 2002, publication date of the earliest-published family member thereof, FR 2825896.²

¹ See the attached USPTO flowchart for WIPO publications.

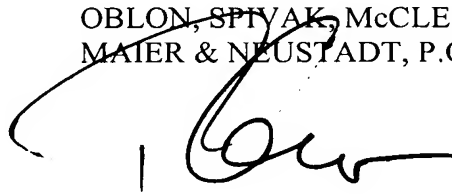
² See the attached family data for WO 02/102158.

Application No. 10/539,564
Reply to Office Action of August 6, 2009

Accordingly, and as the present rejection critically relies on WO 02/102158 which is not prior art herein Applicants respectfully request the reconsideration and withdrawal of the outstanding rejection and the passage of this case to Issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



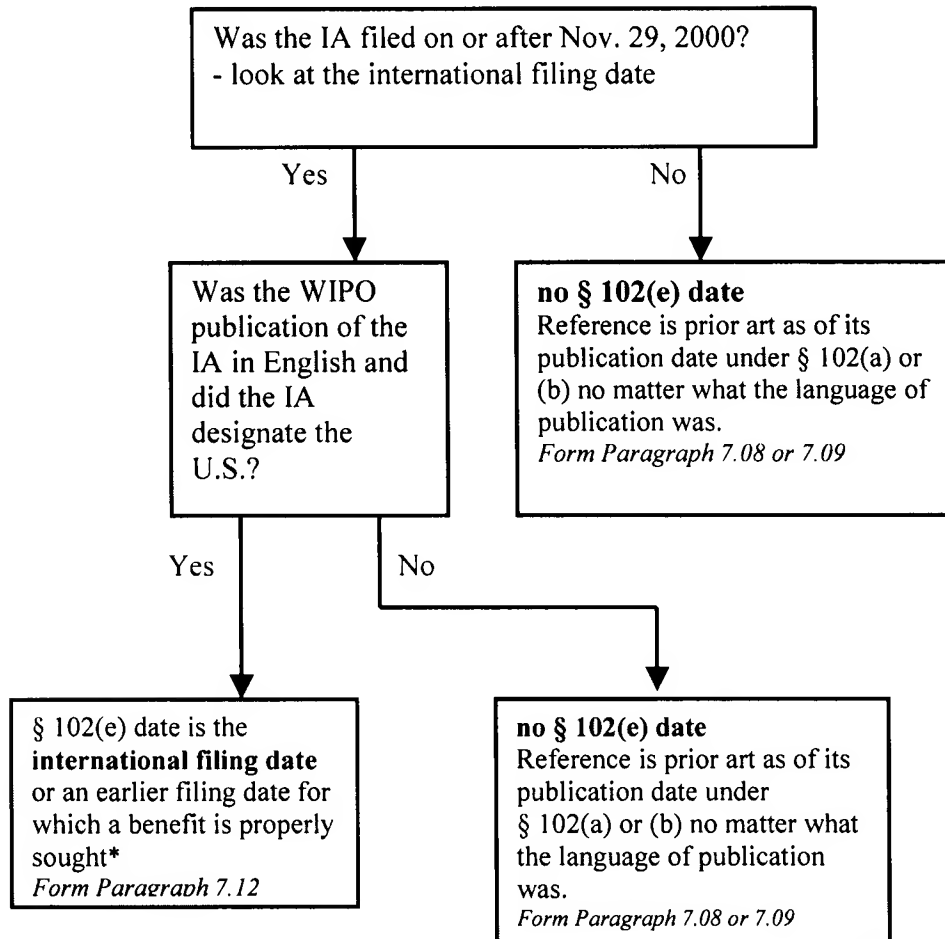
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FLOWCHARTS FOR 35 U.S.C. § 102(e) DATES:
Apply to all applications and patents, whenever filed
Chart II: For WIPO publication of International Applications (IAs)



* Consider benefit claims properly made under § 119(e) to U.S. provisional applications, § 120 to U.S. nonprovisional applications, and § 365(c) involving IAs. Do NOT consider foreign priority claims.

Glossary of Terms:

U.S. patent application publication = pre-grant publication by the USPTO under 35 U.S.C. § 122(b)

International application (IA) = an application filed under the Patent Cooperation Treaty (PCT)

§ 371 application = an IA that has entered the national stage in the U.S. (35 U.S.C. § 371(c)(1), (2) and (4))

November 29, 2000 = the effective date for the amendments to §§ 102(e) and 374

WIPO = World Intellectual Property Organization

WIPO Publication = a publication of an IA under PCT Article 21(2) (e.g., Publication No. WO 99/12345)

§ 111(a) = provision of the patent code that states the **filing** requirements for **nonprovisional applications**

§ 111(b) = provision of the patent code that states the **filing** requirements for **provisional applications**

§ 119(e) = provision of the patent code that allows for **priority claims to provisional applications**

§ 119(a)-(d) = provision of the patent code that allows for **priority claims to foreign applications**

§ 120 = provision of the patent code that allows for **benefit claims to nonprovisional applications**

§ 365(c) = provision of the patent code that allows for **benefit claims to international applications**

wo2002102158/pn

L1 ANSWER 1 OF 1 WPINDEX COPYRIGHT 2009 THOMSON REUTERS on STN
ACCESSION NUMBER: 2003-156992 [15] WPINDEX
DOC. NO. CPI: C2003-040880 [15]
TITLE: Use of sodium bicarbonate powder as acaricide for human
living areas
DERWENT CLASS: C03
INVENTOR: PALANGIE N; PASCAL J; PASCAL J P
PATENT ASSIGNEE: (SOLV-C) SOLVAY & CIE; (SOLV-C) SOLVAY BELGE SA; (SOLV-C)
SOLVAY SA
COUNTRY COUNT: 99

PATENT INFORMATION:

PATENT NO	KIND	DATE	WEEK	LA	PG	MAIN IPC
WO 2002102158	A1	20021227	(200315)*	FR	13 [0]	<--
FR 2825896	A1	20021220	(200315)	FR		
EP 1401279	A1	20040331	(200424)	FR		
AU 2002328292	A1	20030102	(200452)	EN		
EP 1401279	B1	20050817	(200555)	FR		
DE 60205629	E	20050922	(200564)	DE		
ES 2248598	T3	20060316	(200622)	ES		
DE 60205629	T2	20060608	(200638)	DE		

APPLICATION DETAILS:

PATENT NO	KIND	APPLICATION	DATE
WO 2002102158 A1		WO 2002-EP6668	20020614
FR 2825896 A1		FR 2001-8148	20010619
AU 2002328292 A1		AU 2002-328292	20020614
DE 60205629 E		DE 2002-605629	20020614
EP 1401279 A1		EP 2002-762290	20020614
EP 1401279 B1		EP 2002-762290	20020614
DE 60205629 E		EP 2002-762290	20020614
ES 2248598 T3		EP 2002-762290	20020614
EP 1401279 A1		WO 2002-EP6668	20020614
EP 1401279 B1		WO 2002-EP6668	20020614
DE 60205629 E		WO 2002-EP6668	20020614
DE 60205629 T2		DE 2002-605629	20020614
DE 60205629 T2		EP 2002-762290	20020614
DE 60205629 T2		WO 2002-EP6668	20020614

FILING DETAILS:

PATENT NO	KIND		PATENT NO
DE 60205629	E	Based on	EP 1401279 A
ES 2248598	T3	Based on	EP 1401279 A
EP 1401279	A1	Based on	WO 2002102158 A
AU 2002328292	A1	Based on	WO 2002102158 A
EP 1401279	B1	Based on	WO 2002102158 A
DE 60205629	E	Based on	WO 2002102158 A
DE 60205629	T2	Based on	EP 1401279 A

DE 60205629 T2 Based on WO 2002102158 A

PRIORITY APPLN. INFO: FR 2001-8148 20010619

INT. PATENT CLASSIF.:

MAIN: A01N059-00

IPC ORIGINAL: A01N0059-00 [I,A]; A01N0059-00 [I,C]

IPC RECLASSIF.: A01N0059-04 [I,A]; A01N0059-04 [I,C]